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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,695	08/07/2002	Adrian Hilary Berry	201-0690	9320

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EXAMINER

STONE, JENNIFER A

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/064,695

Applicant(s)

BERRY ET AL.

Examiner

Jennifer A Stone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by DeZorzi (U.S. 6,232,875).

For claim 1, DeZorzi discloses a method for operating a tire pressure monitoring system that contains a spare tire(s), which is placed in an auxiliary location other than the rolling tires, and a programmable controller including memory for processing decoded signals to provide an audible indication or warning signal (col 3, Ins 16-18; col 4, Ins 4-7, 55-58; col 6, Ins 63 and 64). The decoded signals include speed of the vehicle and identification information (col 3, Ins 55-59; col 10, Ins 18-21). The controller controls the timing of transmitting and receiving data messages such as the identification signals (col 5, Ins 34-36). Predetermined rates of speed as well as time are set for 3 different modes: normal, pre-sleep, and sleep. Monitoring the vehicle's conditions in normal mode are as follows: When the vehicle's rate of speed is greater than 10 MPH, the rate of time that the vehicle's conditions are monitored are greater than 10-25 minutes (col 7, Ins 14-26, 35-45). The cumulative time for each operation mode is measured in predetermined intervals as follows:

Normal mode: 4-10 seconds (col 7, Ins 19-26)

Pre-sleep mode: 10-25 minutes (col 7, Ins 43-45)

Sleep mode: 10-45 minutes (col 8, Ins 24-27).

The warning signals from the controller can be sent to the auxiliary location such as a hand-held portable device or a fob (col 4, Ins 22-26; Fig. 1, items 60, 62, 64, and 68; Fig. 2, item 72 and 73).

For claim 2, DeZorzi discloses that all tires including rolling and 1 or more auxiliary/spare(s) contain a sensor/transmitter module (col 3, Ins 11-21).

For claim 3, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 2 as stated above.

For claim 6, the claim is interpreted and rejected for the same reasons as stated in the rejections of claims 1 and 2 as stated above where an auxiliary location is a spare location. In addition, all tires including the rolling and spare tires are equipped with a sensor/transmitter module (col 3, Ins 11-21; Fig. 1, items 14, 16, and 18).

For claim 7, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 1 as stated above.

Claims 8-13, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by DeZorzi (U.S. 6,232,875).

Claim 8 is interpreted and rejected for the same reasons as stated in the rejection of claim 1 as stated above. In addition, it is inherent that a generated time signal responds to receiving a speed signal in the control circuit to control the timing of the tire condition measurements and timing transmission of data messages (col 5, Ins 34-36). See chart 1.

For claim 9, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 1 as stated above.

For claim 10, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 6.

For claim 11, DeZorzi discloses that the warning signal messages are visually displayed such as on an LCD display screen (col 4, Ins 8-13).

For claim 12, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 2 as stated above.

For claim 13, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 3 as stated above.

For claim 15, the claim is interpreted and rejected for the same reasons as stated in the rejection of claims 1 and 2 as stated above.

Claims 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by DeZorzi (U.S. 6,232,875).

For claim 16, the claim is interpreted and rejected for the same reasons as stated in the rejection of claims 1, 2, and 8 as stated above.

For claim 17, DeZorzi discloses the controller being electrically coupled to the RF transmitters in the rolling tires or any of the spare tires including the auxiliary tires (col 3, Ins 16-28).

For claim 18, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 2 as stated above.

For claim 19, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 7 as stated above.

For claim 20, the claim is interpreted and rejected for the same reasons as stated in the rejection of claims 1 and 2 as stated above.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeZorzi as applied to claim 1 above, and further in view of Taylor (U.S. 1,954,153). DeZorzi does not include an auxiliary tire comprising a trailer tire(s). However, Taylor does disclose a plurality of spare tires or auxiliary tires, including trailer tires, where the pressure is monitored on a dashboard display (col 1, lns 6-12; col 2, lns 78-80; col 4, lns 141-148; col 5, lns 29-32). It would have been obvious to one of ordinary skill in the art, at the time the invention was made to include a system for monitoring the pressure of auxiliary or spare tires on trailers. Monitoring the pressure of all tires, on all vehicles is a safety feature that should not be limited to only one vehicle, but should include vehicles such as trailers. The safety on the roadway will be enhanced if the pressure-monitoring feature was used for all vehicles.

For claim 14, as applied to claim 8, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 4 as stated above.

Response to Arguments

3. Applicant's arguments filed January 6, 2004 have been fully considered but they are not persuasive.

The applicant argues as follows:

For claim 1:

a. Dezorzi does not indicate condition data signal having vehicle speed received by a first controller 64.

Dezorzi does indicate the condition data signal having vehicle speed received by the controller. See example (col 5, lns 1-18). The motion sensor measures vehicle speed (Fig. 2, item 32) to determine the mode of operation sleep, pre-sleep, normal. This data is received by the controller (Fig. 2, item 72). See enclosed chart 1.

b. Dezorzi does not teach/suggest generating a cumulative time signal corresponding to a cumulative receiving time of the transmitter identification signal.

The data message measures the cumulative receiving time of the transmitter ID signal (col 3, lns 55-59; col 5, lns 34-36). The cumulative time signal is generated to determine vehicle mode (See chart 1 and time).

c. Dezorzi does not teach/suggest when the speed is greater than a predetermined speed and when the cumulative time signal is greater than a predetermined time,

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associating the auxiliary sensor identification to the auxiliary location of the warning status memory.

When cumulative time and speed is greater than a predetermined value (See chart 1), then the system switches from pre-sleep to normal mode. The sensor ID information or warning is sent to an auxiliary location such as a hand-held or portable device (Fig. 1, items 62, 64, 60, and 68). See details of Fig. 1 – Fig. 2, items 72 and 73.

d. Dezorzi does not teach/suggest that the warning signals from the controllers are associated to an auxiliary location of a memory of a device such as a hand-held portable device or fob.

See (Fig. 1, items 60, 62, 64, and 68; Fig. 2, item 72 and 73)

e. Dezorzi does not teach/suggest associating the auxiliary sensor identification for the spare tire to a location of the warning status memory.

The sensor ID information or warning is sent to an auxiliary location such as a hand-held, portable (Fig. 1, items 62, 64, 60, and 68). See details of Fig. 1 – Fig. 2, items 72 and 73.

f. Dezorzi does not teach/suggest associating the auxiliary sensor ID to an auxiliary location of the warning status memory when a given set of conditions are met (cumulative time and speed).

See conditions in the rejection of claim 1. When the conditions are met, a warning status location/tire ID is stored in memory (Fig. 2, item 73; col 4, lns 61-67; col 5, lns 9-18)

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For claim 6: _Dezorzi does not teach/suggest generating warning statuses for each tire in a rolling location, a spare location, and the auxiliary location.

All tires including the rolling and spare tires are equipped with a sensor/transmitter module (col 3, Ins 11-21; Fig. 1, items 14, 16, and 18).

For claim 8: Dezorzi does not teach/suggest receiving an auxiliary sensor transmission signal when the speed is greater than a predetermined speed and when the time is greater than a predetermined time and associating the auxiliary sensor identification to an auxiliary location of the warning status memory.

See conditions in the rejection of claim 1. When the conditions are met, a warning status location/tire ID is stored in memory (Fig. 2, item 73; col 4, Ins 61-67; col 5, Ins 9-18)

For claim 16: See explanation of Claim 1, part f.

For claim 17: Dezorzi does not teach/suggest that the controller is RF coupled to the rolling transmitter, spare tire transmitter, and auxiliary transmitter. See the rejection to claim 17. Furthermore, all tires including the rolling and spare tires are equipped with a sensor/transmitter module (col 3, Ins 11-21; Fig. 1, items 14, 16, and 18).


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Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Jennifer Stone
February 17, 2004


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